

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BERNARD EDWARD KRETLOW,

Plaintiff,

v.

SGT. DAHLSTROM and OFFICER ALLEN,

Defendants.

ORDER

15-cv-571-jdp

Pro se plaintiff Bernard Edward Kretlow is proceeding on claims that defendants Dahlstrom and Allen failed to protect him from a risk of violence under the Eighth Amendment and retaliated against him in violation of the First Amendment. On July 20, 2016, Magistrate Judge Stephen Crocker held a telephone pretrial conference and provided the parties with a pretrial conference order, including this court's procedures to be followed on motions for summary judgment. Dkt. 15.

On April 14, 2017, defendants filed a motion for summary judgment. Dkt. 23. Kretlow had until May 15, 2017, to file his response. Instead of responding to the motion as set forth in this court's procedures, on June 5, 2017, Kretlow filed a document he calls a "Motion for Summary Judgment." Dkt. 36. Unfortunately, the court cannot consider Kretlow's submission. As a motion for summary judgment, the motion is untimely. The deadline for filing dispositive motions was April 14, 2017. Plaintiff missed this deadline by nearly two months. It may be that Kretlow intended the document to serve as a response to defendants' motion for summary judgment. However, even if the court construes the submission as a brief in opposition to defendants' motion, it does not comply with the court's pretrial conference order.

I will deny Kretlow's motion for summary judgment and give him a short time to file a response to defendants' summary judgment motion with a response to defendants' proposed findings of fact, his own proposed findings of fact, and evidence or exhibits to support his claims. I will include with this order an additional copy of this court's procedures to be followed on motions for summary judgment, which details the requirements Kretlow must follow. Kretlow should take particular care to respond to defendants' proposed findings of fact. Any proposed fact not disputed in whole or in part will be deemed undisputed. Kretlow should review the example response to proposed findings of fact included in the summary judgment procedures as a guide in drafting his own responses.

ORDER

IT IS ORDERED that:

1. Plaintiff Bernard Edward Kretlow's motion for summary judgment, Dkt. 36, is DENIED. Plaintiff may have until June 30, 2017, to file his complete opposition to defendants' motion for summary judgment.
2. The clerk of court is directed to send plaintiff a copy of the court's procedures on motions for summary judgment included with the pretrial conference order. Dkt. 15.

Entered June 13, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge